

ESTTA Tracking number: **ESTTA58160**

Filing date: **12/19/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Sola International Inc.
Granted to Date of previous extension	12/21/2005
Address	10590 West Ocean Drive Torrey View Corporate Tower San Diego, CA 92130 UNITED STATES
Correspondence information	Richard W. Young, Esq. Gardner Carton & Douglas LLP 191 North Wacker Drive Suite 3700 Chicago, IL 60606 UNITED STATES IPDOCKET@GCD.COM Phone:312 569 1460

### Applicant Information

Application No	76590530	Publication date	08/23/2005
Opposition Filing Date	12/19/2005	Opposition Period Ends	12/21/2005
International Registration No.	NONE	International Registration Date	NONE
Applicant	Hoya Corporation 7-5, Naka-Ochiai 2-chome, Shinjuku-ku Tokyo, 161-8525 JAPAN		

### Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: OPHTHALMIC LENSES AND OPHTHALMIC LENS BLANKS
---

Attachments	SOLIOoppn--pg1--Image001.tif ( 1 page ) SOLIOoppn--pg2--Image002.tif ( 1 page )
-------------	--

Signature	/richardwyong-nmc/
Name	Richard W. Young, Esq.
Date	12/19/2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 76/590,530

Trademark: SOLIO

Published: Trademark Official Gazette  
August 23, 2005

SOLA INTERNATIONAL INC.     )

)

Opposer,     )

v.     )

Opposition No. \_\_\_\_\_

)

HOYA CORPORATION,     )

)

Applicant.     )

**NOTICE OF OPPOSITION**

Opposer, SOLA INTERNATIONAL INC., a corporation existing under the laws of the Delaware and doing business at 10590 West Ocean Drive, Torrey View Corporate Tower, San Diego, CA 92130 (“SOLA”), believes that it is or will be damaged by the registration of Application Serial No. 76/590,530 for the trademark SOLIO and hereby opposes registration of the mark to Hoya Corporation, a corporation of Japan, doing business at 7-5, Naka-Ochiai 2-chome, Shinjuku-ku, Tokyo, Japan 161-8525 (“Applicant”).

As grounds for opposition, it is alleged that:

1. SOLA owns United States Trademark Reg. No. 1,168,980 for SOLA, for use in connection with finished optical lenses, and semi-finished blanks for making optical lenses. This trademark registration is incontestable pursuant to 15 U.S.C. §1065. SOLA also owns United States Trademark Reg. No. 2,056,764, for S SOLA and design, for use in connection with optical goods and apparatus, namely spectacles, sunglasses, contact lens and other ophthalmic eyeglass lenses with anti-reflection and scratch resistant coating; eyeglass lens blanks; parts and

accessories therefore, namely, contact lens and eyeglass cases. This trademark registration is also incontestable pursuant to 15 U.S.C. §1065.

2. Applicant seeks to register the trademark SOLIO for use in connection with ophthalmic lenses and ophthalmic lens blanks, as evidenced by publication of that mark in the electronic Official Gazette, dated August 23, 2005.

3. Applicant applied for registration of its mark on May 5, 2004. SOLA's rights in its SOLA registrations are superior to any rights Applicant may have in the trademark SOLIO.

4. Applicant's trademark so resembles Sola's SOLA trademark registered in the Patent and Trademark Office as to be likely, when used on or in connection with ophthalmic lenses and ophthalmic lens blanks, to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, SOLA submits that, in accordance with 15 U.S.C. §1052(d), Applicant's SOLIO trademark is not entitled to registration, and SOLA prays that registration of Applicant's SOLIO mark be denied and this Opposition sustained.

Please direct all correspondence in this matter to the undersigned.

SOLA INTERNATIONAL INC.

By: 

Richard W. Young  
GARDNER, CARTON & DOUGLAS LLP  
191 N. Wacker Drive, Suite 3700  
Chicago, Illinois 60606  
(312) 569-1460  
IPDOCKET@GCD.COM  
*Attorneys for Opposer*

Dated: December 19, 2005

Case No.: SOLOPPUSA2